

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1 and 11-12 have been rejected under 35 USC 102(b) as being anticipated by German Patent Document 20007930 U1 (U.S. equivalent patent No. 6,447,005 to Alb et al. ("Alb")).

Claim 1 recites a vehicle interior lining assembly for a roof frame, said assembly comprising a vehicle interior lining, and a gas bag module fastened to said vehicle interior lining, said gas bag module having a gas bag which in a state installed in a vehicle extends substantially from an A-column of said vehicle to a C-column of said vehicle, said vehicle interior lining being comprised of at least two vehicle interior lining pieces which together with said gas bag module form a preassembled unit and which before a final installation of said unit in said vehicle are displaceable in a longitudinal direction of said vehicle interior lining pieces with respect to each other.

The Office Action states that in an article claim, the preassembled parts are not patentable; only the final product is patentable. This is incorrect. Many patents issue claiming the invention preassembled.

Moreover, the preassembled parts recited in claim 1 are the final product, and therefore are patentable.

Also, claim 1 recites a vehicle interior lining assembly that has both an unmounted and a mounted state. The patentability of the vehicle interior lining recited in claim 1 should be viewed independently of its mounting state.

Further, the vehicle interior lining assembly recited in claim 1 has patentably distinguishing characteristics while it is in the unmounted state.

Alb does not disclose a vehicle interior lining being comprised of at least two vehicle interior lining pieces which together with a gas bag module form a preassembled unit and which before a final installation of said unit in a vehicle are displaceable in a longitudinal direction of said vehicle interior lining pieces with respect to each other, as recited in claim 1. In Alb, the ejection channels 12 and 14 can only be displaced in a longitudinal direction with respect to each other before the cover 20 is attached. That is, once the gas bag module 5 is assembled, the ejection channels 12 and 14 can no longer move in a longitudinal direction with respect to each other without deforming cover 20. If cover 20 were deformed, module 5 could not be installed on a vehicle.

Further, if ejection channels 12 and 14 are moved longitudinally with respect to each other before assembly, projections 22 would not be aligned with the holes in the cover 20. Alb discloses that once the gas bag module 5 is assembled and ready to be installed, cover 20 allows ejection channels 12 and 14 to be folded on each other, but Alb does not disclose that the ejection channels 12 and 14 can be displaced in a longitudinal direction.

Additionally, it is respectfully submitted that the Examiner is interpreting the term "vehicle interior lining" too broadly. A vehicle interior lining can be also be referred to as trim, covering or garnish. Inherently, a

vehicle interior lining must be visible to a vehicle occupant. In Alb, module 5 is not visible to a vehicle occupant, and therefore, module 5 is not a vehicle interior lining. Accordingly, Alb does not disclose the structure of claim 1, and therefore withdrawal of this rejection is respectfully requested.

Claims 2-5 depend directly or indirectly from claim 1 and are allowable for substantially the same reasons as claim 1 and for the specific limitations recited therein.

Accordingly, allowance of claims 2-5 is respectfully requested.

Claim 11 recites an assembly comprising, two lining pieces of a vehicle interior lining for a roof frame and a gas bag folded to an elongated package connected to said vehicle interior lining pieces, said gas bag, in a state installed in a vehicle, extending substantially from an A-column of said vehicle to a C-column of said vehicle, said two vehicle interior lining pieces, in a state not installed in the vehicle, being connected with each other via said gas bag package only.

Alb does not disclose two vehicle interior lining pieces, in a state not installed in a vehicle, being connected with each other via a gas bag package only as recited in claim 11. In Alb, cover 20 extends over the space located between ejection channels 12 and 14. The cover 20 is not a gas bag package. In fact, in Alb, the gas bag is located inside of the ejection channels. In Alb, since the cover connects the ejection channels 12 and 14, ejection channels 12 and 14 are

not connected only by a gas bag package. Accordingly, Alb does not disclose the structure of claim 11, and therefore the rejection of claim 11 should be withdrawn, and claim 11 should be allowed.

Claim 12 depends from claim 11 and the rejection of claim 11 should be allowable for substantially the same reasons as claim 11 and for the specific limitations recited therein.

Claims 1-5 and 9-10 have been rejected under 35 USC 102(e) as being anticipated by U.S. 6,234,517 to Miyahara et al. ("Miyahara").

Miyahara does not disclose a vehicle interior lining being comprised of at least two vehicle interior lining pieces which together with said gas bag module form a preassembled unit and which before a final installation of said unit in a vehicle are displaceable in a longitudinal direction of said vehicle interior lining pieces with respect to each other as recited in claim 1. In Miyahara, the air bag apparatus is not a vehicle interior lining. The air bag apparatus disclosed in Miyahara is not visible to a vehicle occupant. Further, in Miyahara the air bag apparatus shown in Fig. 1 is not a preassembled unit, like the vehicle interior lining recited in claim 1. In Miyahara, the air bag apparatus is assembled at the time of installation. When the air bag apparatus is installed in Miyahara, cover parts 15 and 16 are not displaceable in a longitudinal direction relative to each other. In fact, in Miyahara, if the cover parts 15 and 16 are displaced in a longitudinal direction with respect to each other before installation, the air bag apparatus would not be

able to be mounted on pad 10 because holes 17a and 38 would no longer be aligned. Accordingly, Miyahara does not disclose the structure of claim 1.

In fact, no prior art discloses the structure of claim 1. Accordingly, claim 1 is allowable.

Claim 9 is similar to claim 1. As stated above with respect to claim 1, Miyahara does not disclose a vehicle interior lining comprising at least two parts that are displaceable in a longitudinal direction with respect to each other, as recited in claim 9. Further, Miyahara does not disclose two vehicle interior lining pieces having opposing, longitudinal ends, which when installed in a vehicle and viewed in the direction of a longitudinal axis of said vehicle interior pieces, are spaced apart from each other. As shown in Fig. 1 of Miyahara, cover parts 15 and 16 overlap each other to align mounting holes 17a and 38. Thus, the cover parts 15 and 16 are not spaced apart from each other. Accordingly, Miyahara does not disclose the structure of claim 9 and thus, claim 9 is allowable.

Claim 10 is similar to claim 1 and is allowable for substantially the same reasons as claim 1. Accordingly, allowance of claim 10 is respectfully requested.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being made obvious by U.S. 6,234,517 to Miyahara et al. ("Miyahara") in view of U.S. 5,788,270 to Håland, et al. ("Haland").

Claim 6 depends from claim 5 and is allowable for the same reasons as claim 5 and for the specific limitations recited therein. The addition of Haland does not cure the

deficiencies of Miyahara, as the combination of Haland and Miyahara fails to disclose or suggest a vehicle interior lining being comprised of at least two vehicle interior lining pieces which are displaceable in a longitudinal direction with respect to each other, as recited in claim 1, from which claim 6 depends. Accordingly, since neither reference discloses the invention of claim 6, a combination of the references does not make claim 6 obvious. Thus, claim 6 should be allowed.

Claim 13 has been rejected under 35 U.S.C. §112. It is respectfully submitted that this rejection was made in error. Line 4 of claim 13 does ends with "each vehicle interior lining piece," but then continues on to line 5 as "being visible from a passenger compartment." Accordingly, claim 13 is clear and the rejection of claim 13 should be withdrawn.

Claims 14-15 have been indicated as allowable if claim 13 overcomes the rejection under 35 U.S.C. §112. Since the rejection of claim 13 was in error, it is respectfully submitted that claims 14-15 are allowable.

Claim 16 has been amended to correct a formal matter. Claim 16 has been indicated as allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in  
the fees for this amendment to our Deposit Account  
No. 20-0090.

Respectfully submitted,

  
Thomas L. Tarolli  
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,  
& TUMMINO L.L.P.  
526 Superior Avenue, Suite 1111  
Cleveland, Ohio 44114-1400  
Phone: (216) 621-2234  
Fax: (216) 621-4072  
Customer No.: 26,294